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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,113	08/18/2006	Jae-Chun Hyun	3884-0129PUS1	2095
2292 7590 03/26/2010 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER				
GUILL, RUSSELL				
ART UNIT		PAPER NUMBER		
2123				
NOTIFICATION DATE		DELIVERY MODE		
03/26/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/590,113

Applicant(s)

HYUN ET AL.

Examiner

Russ Guill

Art Unit

2123

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/225)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office action is in response to an Amendment for application 10/590113. Claim 5 was canceled. Claim 6 was added. Claims 1 – 4, 6 have been examined. Claims 1 – 4, 6 have been rejected.

2. The Examiner would like to thank the Applicant for the well presented response, which was useful in the examination process. The Examiner appreciates the effort to carefully analyze the Office action, and make appropriate arguments and amendments.

Response to Arguments

3. Regarding claim 1, pages 12 - 13, the claim appears to have been amended to add the terms “λ” and “η₀”, but the additions are not underlined. Please see 37 CFR 1.121(c) regarding the method of making claim amendments.

4. Regarding claims 1 - 5 rejected under 35 U.S.C. § 112, second paragraph:
- a. Applicant's arguments have been fully considered, and are partially persuasive, as discussed below.
 - b. The Applicant essentially argues that the rejections in paragraphs 8b, 8c, 8d, 8e, and 8f, have been overcome by amendment.
 - c. The Examiner respectfully replies:

i. The Examiner appreciates the claim amendments which overcome the rejections under paragraphs 8b, 8c, 8d, 8e, and 8f; however the rejection under paragraph 8a has not been overcome, and is maintained below. The claim amendments appear to necessitate further rejections.

5. Regarding claims 1 - 5 rejected under 35 U.S.C. § 101:

a. Applicant's arguments have been fully considered, but are not persuasive, as discussed below.

b. The Applicant essentially argues that the amended claims overcome the rejection.

c. The Examiner respectfully replies:

i. The Examiner appreciates the claim amendments, but the amendments do not appear to overcome the rejection. Please see the rejection under 35 U.S.C. § 101 below.

6. Regarding objections to the specification:

a. The amendments to the specification appear to overcome the objections.

7. Regarding objections to the claims 1, 3, 4, 5:

a. The amendments to the claims appear to overcome the objections.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. § 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 1 - 4, 6 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. Regarding claim 1, the claim 1 is generally narrative and indefinite, failing to conform with current U.S. practice. It appears to be a literal translation into English from a foreign document, and the generally narrative claim language renders the claim vague and indefinite. The metes and bounds of the claim cannot be determined.

b. Regarding claim 1, the claim is directed to a method that appears to have no process steps. The claim appears to be a series of "wherein" limitations that do not define a process step. Further, the claim appears to be entirely a preamble. The metes and bounds of the claim cannot be determined.

c. Regarding claim 6, the claim is directed to an apparatus, but the apparatus does not appear to have any structure. The single potential limitation appears to be a "wherein" limitation that recites a "means" (but not a "means for"), and thus has no structure. A machine is defined by its structure rather than its function. Further, the claim appears to be entirely a preamble. Further, please

note that a single “means for” limitation would be rejected as having undue breadth (*see* MPEP 2164.08(a)). The metes and bounds of the claim cannot be determined.

d. Dependent claims inherit the defects of their parents.

Claim Rejections - 35 USC § 101

10. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

11. Claims 1 - 4 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

a. Regarding claims 1 - 4, a valid process under 35 USC § 101 must either be (1) tied to a particular machine or apparatus, or (2) transform a particular article to a different state or thing. In order to qualify as a statutory process, the claim should positively recite the particular machine or apparatus to which it is tied, for example by identifying the apparatus that accomplishes the method steps. While the claim recites an annular die and nip rolls, these elements are not required in the performing of the limitation, and therefore are neither an explicitly recited structural tie nor inherently involved in the limitation. A recitation of a computer in the preamble does not appear to be sufficient to tie the process to a particular apparatus.

Allowable Subject Matter

12. Regarding claims 1 - 4, 6, any indication of allowability is withheld pending resolution of the outstanding rejections.

13. While the reference by Jae Chun Hyun et al., "Transient solutions of the dynamics in film blowing processes" appears to teach most of claim 1, the equations of claim 1 appear to differ by several terms from the equations taught in the reference.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

15. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russ Guill whose telephone number is 571-272-7955. The examiner can normally be reached on Monday – Friday 9:30 AM – 6:00 PM.

17. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Rodriguez can be reached on 571-272-3753. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature or relating to the status of this application should be directed to the TC2100 Group Receptionist: 571-272-2100.

18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Russ Guill
Examiner
Art Unit 2123

RG

/Paul L Rodriguez/
Supervisory Patent Examiner, Art Unit 2123